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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/753,922

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Masaaki Oka

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20999 7590 09/10/2007  
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EXAMINER

MAFI, EHSAN D

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

09/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/753,922

Applicant(s)

OKA, MASA AKI

Examiner

Ehsan D. Mafi

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-12, 16, 17, 19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-12, 16, 17, 19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :6/25/2007, 3/7/2005, 11/03/2004.

## DETAILED ACTION

### Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 19 is drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

"Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized."

Claim 19, while defining a program, does not define a "computer-readable medium" and is thus non-statutory for that reasons. A program can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner recognizes that claim 21 is the proper embodiment of incorrect claim 19.

"In contrast, a claimed computer-readable medium encoded with the data structure defines structural and functional interrelationships between the data structure and the

computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." - MPEP 2106.IV.B.1(a).

### **Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8, 16, 19, and 21 recites the limitation "the movement" in tandem with said range change. There is insufficient antecedent basis for this limitation in the claim.

4. Regarding claim 11, the phrase "objects a user should pay attention to" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "objects a user should pay attention to"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

5. The term "a degree of succession" in claim 12 is a relative term which renders the claim indefinite. The term "a degree of succession" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

**Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 8, 16, 17 and 21 rejected under 35 U.S.C. 102(b) as being anticipated by Igarashi et al. ("Speed-dependent Automatic Zooming for Browsing Large Documents" UIST '00. ACM Symposium on User Interface Software and Technology. November 5<sup>th</sup>, 2000).

8. As to claim 8, Igarashi et al. teaches an image generating apparatus (speed-dependent automatic zooming) comprising:

an input unit (mouse or joystick) receiving an instruction (movement) about a range of an image to be displayed on a screen; and

an updating unit (prototype web browser) for updating, moment by moment, displayed contents such that, when said range is successively shifted (zooming) and the size of said range (scale) is changed concurrently with the movement (scrolling), an on-screen movement speed of an image currently displayed on said screen is maintained (See Equation 1, ensuring that perceived scrolling speed on the screen remains constant. See page 140, second column, last paragraph. See also Figure 3 on page 141).

9. Claims 16 and 21 are rejected for the same reasons as claim 8.

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10. As to claim 9, Igarashi et al. also teaches the use of speed-dependent automatic zooming for the purposes of map navigation (See page 143, section titled "Map Viewer"). The inputs (mouse or joystick) still define the range of the image. In the case of bird-eye view navigation (virtual point of view), the zooming (range change) of the image is likened to altitude change. In other words, changing the altitude from a virtual point of view with constant speed is analogous to zooming in and out of a web browser displayed on a screen with constant speed.

11. As to claim 17, Igarashi et al. teaches performing a rendering processing such that, when an object (pink slider) is moved within a virtual space (prototype automatic zooming browser) and the way the virtual space is rendered on a screen is changed (semantic zooming), an apparent on screen speed at which said object (pink slider) is moved is maintained without being influenced by the change in the way the virtual space is rendered on said screen. ("The distance between the initial position and the current mouse position [on the pink slider] specifies the scroll speed." See Page 142, First Paragraph)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ehsan D. Mafi whose telephone number is (571) 272-9612. The examiner can normally be reached on Monday-Friday 9:30am-6:00pm.

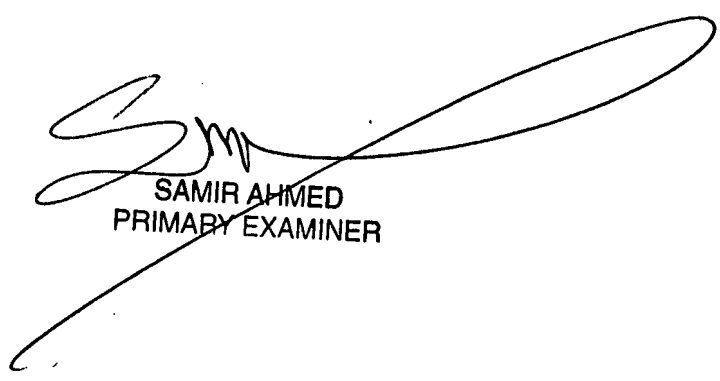
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EDM



SAMIR AHMED  
PRIMARY EXAMINER